

REMARKS

By this amendment, claims 1-6 have been amended to place this application in condition for allowance. Currently, claims 1-21 are before the Examiner for consideration on their merits.

Applicants wish to again acknowledge the indicated allowability of claims 7-21. Applicants also acknowledge the fact that claims 1-6 have only been rejected under 35 USC §112, first paragraph.

In review, the Examiner withdrew the previous rejection, and made a new rejection under 35 U.S.C. § 112, first paragraph. In the new rejection, claims 1-6 stand rejected based on a lack of enablement on the grounds that the magnetization step cannot occur prior to dispensing of the coating material.

In order to advance the prosecution of this application, the undersigned contacted Examiner Jolley, the new examiner for this application, in order to try and clarify the grounds of the rejection since the Examiner Pianalto has since retired. During a telephonic interview held on October 20, 2004, potential problems with the claim were discussed, including the preamble language and lack of recitation of a backing medium. It was agreed during the course of said interview that revising the preamble to remove the language implying that the coating material was “to be” spread, and clarifying the claims as being drawn to the coated backing medium would overcome the rejection.

In light of the agreement reached in the interview, claim 1 is amended to remove the offending preamble language and define a coated backing medium, and the appropriate changes are made to dependent claims 2-6. It is respectfully submitted that the changes to

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claim 1 overcome the rejection based on 35 USC §112, first paragraph and the rejection as applied to claims 1-6 should be withdrawn.

Since no other rejection was made in the outstanding Office Action, Applicant submits that this application is now in condition for allowance, subject to any updating of the search by the Examiner.

Accordingly, the Examiner is respectfully requested to examine this application and pass claim 1-21 onto issuance.

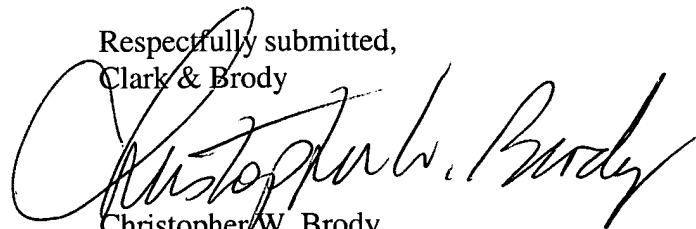
The Examiner is also requested to telephone the undersigned if any other issues still exist so that this patent application can be expeditiously allowed.

The above is a complete response to all issues raised in the outstanding Office Action of April 22, 2004.

A petition for a one month extension of time under 37 CFR § 1.136(a) is hereby made. A check in the amount of \$490.00 is enclosed to cover the petition fee. Please charge any shortage in fees due in connection with the filing of this paper, including additional extension of times fees to deposit account number 50-1088 and please credit any excess fees to such account.

Again, reconsideration and allowance of this application is respectfully solicited.

Respectfully submitted,
Clark & Brody

A large, stylized handwritten signature in black ink, appearing to read "Christopher W. Brody".

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